

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**Office of Conservation and Coastal Lands**  
**Honolulu, Hawaii**

File No.: SSBN KA-07-03

October 26, 2007

State of Hawaii  
Board of Land and  
Natural Resources  
Honolulu, Hawaii

**REGARDING:** Conservation District Use Application for Small-Scale Beach Nourishment (SSBN)

**APPLICANT:** County of Kauai Parks & Recreation Department

**LANDOWNER:** County of Kauai Parks & Recreation Department

**LOCATION:** Poipu Beach Park, Poipu, Kauai

**TMK:** (4) 2-8-17-01

**AREA OF USE:** 13,000 sq ft of coastal lands for beach nourishment, 1000 Cubic Yards.

**SUBZONE:** Resource

**BACKGROUND:**

In October, 2000, the BLNR approved a master CDUA for the State Programmatic General Permit (SPGP) for small-scale beach nourishment (SSBN) (Exhibit 1). The board action includes a provision delegating to the Chairperson the authority to issue Category II permits for small-scale beach nourishment projects in Hawaii, subject to the Board's consent to delegate its authority at regular Board meetings.

The SPGP/SSBN is an attempt to make beach nourishment a more viable option to combat beach and coastal erosion. The SPGP/SSBN will streamline and simplify the permitting process for beach nourishment of up to 10,000 cubic yds of sand. The SPGP/SSBN incorporates all the requirements, special conditions, limitations required by all agency stakeholders.

## **PURPOSE OF PROPOSED ACTION:**

The project scope includes placement of approximately 1000 cubic yards (cy) of beach-quality sand near the shoreline at Poipu Beach Park, Kauai over a period of one year. The proposed project entails delivery and distribution of inland dune sand from Kawaie, West Kauai to the shoreline area landward of the high water mark and is not to be placed directly in the ocean. The Army Corps of Engineers also made a determination in January, 2004 that the subject project, which included placing beach-quality sand above (landward) of the high tide line, "would not involve the discharge of dredged or fill material into the waters of the United States,...and therefore a DA permit will not be required."

It is the Department's understanding that extensive care has been taken in designing the project, choosing the location of the sand placement and quality in order to minimize user conflicts and environmental impacts, including impacts on water quality and local flora and fauna including coral reefs.

## **DESCRIPTION OF PROPOSED ACTION:**

In 2003, the Department of Public Works, Highways Division, excavated approximately 30,000 cubic yards of sand from the Kawaie Sand mines located in Kekaha. The material was obtained with a land license from the Department of Land and Natural Resources. The sand is stockpiled at the nearby Kekaha Sanitary Landfill which is a County facility, and is about 40 miles away from Poipu Beach Park.

The sand will be trucked in at a rate of about 10-12 cubic yards per load, and placed above (landward) the markings of the high tide line. Because Poipu Beach is so popular, the applicant anticipates importing a batch of up to 300 cubic yards of sand per month to the site. This is to avoid conflict with the heavy beach activities. At a transfer rate of up to 300 cy/month the project may require up to one year to complete.

The selected back beach area will first be barricaded with cones and ribbons and adequately signed for public safety. The sand will be deposited and flattened into low dunes to make it blend with the surrounding area. Primary equipment we will be using are 12 cubic yard dumptrucks and a front end loader. We will do this activity as early in the morning as possible when beach activity is light. All barricades and ribbons will be removed daily upon completion of the transfer activities. The proposed project will have a positive impact on the economics of the area. Beach nourishment will preserve and enhance existing physical and environmental aspects of the land (beach). Poipu Beach is the most popular beach on the island and is used extensively for swimming, diving, snorkeling and fishing. The applicant does not anticipate any adverse environmental impacts from these activities as the sand will be placed only above the high water line and in small incremental quantities.

### **Scope of Work**

1. Beach nourishment area to include approximately 13,000 ft<sup>2</sup> within the sandy beach area at Piopu Beach park (Exhibit 2).
2. Sand fill will be placed landward of the high water mark, at a slope of roughly 1V:10H, up to ~+10 ft elevation and may extend landward of the existing escarpment with prior County approval.
3. Total sand volume for this project is limited to 1000 cubic yards (cy).
4. Sand fill is to be placed landward of the high water mark to minimize impacts to water quality and the marine environment.
5. Dune enhancement may also be conducted in the backshore area of the beach along and landward of the existing escarpment with prior authorization of the County of Kauai Parks Department.

### **Environmental Monitoring**

Project monitoring will include the following as outlined in the monitoring plan submitted by the applicant:

1. Additional visual and photographic monitoring will be conducted during any advisory-level high surf events within 3 months after completion of project or, if/when a visible plume is discernable.
2. If the plume is persistent for more than 10 consecutive days then Turbidity and Total Suspended Solids (TSS) will be sampled daily, both in ambient waters (control site) and in the visible plume until the plume is no longer discernable. Results will be forward to the DLNR and Deptment of Health, Clean Water Branch daily and included in the after action report.
3. Additionally, the size and location of the plume will be described in an accompanying narrative and documented photographically daily, and reported to the DLNR.
4. Documentation will be kept to demonstrate how the project activity is in compliance with the State water quality standards and will not have adverse affects on pre-project marine and coastal environments.
5. In addition to the required monitoring as described above, a beach profiling program has been initiated by the Applicant.

6. In addition to the baseline benthic habitat survey provided in the application, the Applicant plans to cooperate with the DLNR in conducting a follow-up benthic habitat survey as part of the post-project assessment plan.
7. The Applicant's SSBN Application provides a baseline narrative from the University of Hawaii Sea Grant Program of the physical and marine bottom biological environment conditions observable in the bay as of April 2004 and again in October, 2007. Follow up documentation is planned by the DLNR to continue as long as the project continues and conditions permit safe entry into the bay.
8. A post project report will be completed 90 days after completion of the monitoring program and will be issued to DLNR and CWB and will include project summary, deviation(s) from plan (if any), beach profiles, photos and plume measurements as well as information regarding the effectiveness of the project.

**In accordance with the SPGP/SSBN the following activities are considered for approval:**

1. The placement of up to 1000 cubic yards of sand for the purposes of restoring and nourishing the beach fronting the subject property in Poipu Beach, Kauai. The sand source is subject to final review and approval by the DLNR.
2. Construction and installation of appropriate and effective silt containment devices, including settling and retention basins and silt curtains.
3. Initiation and mobilization of applicable mechanical equipment, including the use of heavy equipment on the beach to mobilize and shape the imported sand to the designed beach profile.

***Categories of Activities***

This project falls within the scope of a Category II project. Category II projects involve the placement of up to 10,000 cubic yards of sand within the shoreline area.

**SUMMARY:**

After reviewing the application, the Department finds that:

1. The proposed activities (beach nourishment and dune restoration) are identified land uses within the Resource subzone of the Conservation District, according to Section 13-5-24, Hawaii Administrative Rules (HAR);

2. The project is consistent with the purpose of the Conservation District and consistent with the goals and objectives of the Hawaii Coastal Erosion Management Plan (COEMAP) adopted by the Board of Land and Natural Resources in 1999. It is a major goal of COEMAP to promote appropriate erosion control and beach nourishment efforts such as this.

### ***Categories of Activities***

This project falls within the scope of a Category II project. Category II projects involve the placement of more than 500 and up to 10,000 cubic yards of sand within the shoreline area and/or involve pumping offshore sand to the beach.

### ***Panel of Technical Experts***

A special Panel of Technical Experts (PTE) was formed to review Category II applications in order to ensure consistency with the provisions of the SPGP and to maintain a high level of environmental safeguards. This independent panel consists of:

1. **Dr. Charles Fletcher, Coastal Geologist.** University of Hawaii, School of Ocean and Earth Science and Technology Department of Geology and Geophysics
2. **Dr. Mark Merrifield, Oceanographer.** University of Hawai'i, School of Ocean and Earth Science and Technology Department of Oceanography
3. **Tom Smith, Coastal Engineer.** U.S. Army Corps of Engineers, Pacific Ocean Division
4. **Mr. Alan Everson, Marine Biologist.** NOAA National Marine Fisheries, Pacific Islands Region

The panel has had an opportunity to provide comments on the project and no comments have been received from the PTE.

### **SUMMARY:**

Following review is provided in summary of the application:

1. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), a Draft Environmental Assessment (DEA) was published in the Environmental Notice for the blanket CDUA (ST-3000) on March 8, 2000. The Department of Land and Natural Resources, Land Division issued a Finding of no Significant Impact to the Environment (FONSI) on May 18, 2000. The FONSI was published in the June 8, 2000 OEQC *Environmental Notice*.

2. A Public Notice is being prepared for publication in the Office of Environmental Quality Control (OEQC) *Environmental Notice*. To date, no comments have been received from the general public regarding the proposed project.
3. A request for comments for the subject SSBN application was sent to the following agencies and persons: Department of Health- Clean Water Branch, Army Corps of Engineers, National Marine Fisheries Service, Office of Hawaiian Affairs (OHA), Maui Co Planning Dept, Hawaii State Historic Preservation Division, Hawaii Coastal Zone Management Program, NOAA (PIRO), U.S. Fish and Wildlife Service, Beach Nourishment Panel of Technical Experts. Comments received were adequately addressed or adopted by the applicant and will be reflected in the final terms and conditions.
4. Chapter 205A, HRS encompasses most land, water and marine areas of the State. Section 205A-2(a)(9)(C) states that it is a policy of CZM, to "minimize" the construction of public erosion-protection structures seaward of the shoreline. In this case, the erosion control structure could be considered to be a beach or a small structure to retain sand. These are more commonly referred to as soft structures. Sand nourishment is the "softest" structure that can be used as shoreline protection.

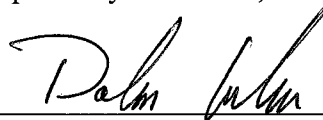
**CONCLUSION:**

Staff has determined that this project is consistent with the purpose of the Conservation District and consistent with the goals and objectives of the Hawaii Coastal Erosion Management Plan (COEMAP) adopted by the Board of Land and Natural Resources in 1999. It is a major goal of COEMAP to promote appropriate erosion control and beach nourishment efforts such as this.

**RECOMMENDATION:**

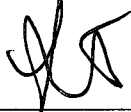
That the Board of Land and Natural Resources consent to allow the Chairperson to review and authorize the proposed beach nourishment permit KA-07-03 pursuant to CDUA (ST-3000).

Respectfully submitted,



Dolan Eversole, Coastal Geologist  
Office of Conservation and Coastal Lands

Approved for Submittal:



Laura H. Thielen, Chairperson  
BOARD OF LAND AND NATURAL RESOURCES

Exhibits: 1. CDUA St-3000 Board Approval Letter.  
Exhibits: 2. Location Map.

**Exhibit 1.**  
**October, 2000 Board CDUA Approval**



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

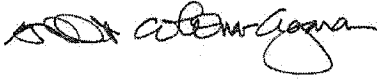
P.O. BOX 621  
HONOLULU, HAWAII 96809

APR 2 2002

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND DIVISION  
STATE PARKS  
WATER RESOURCE MANAGEMENT

MEMORANDUM

TO: Harry Yada, Acting Administrator  
Land Division

FROM: Gilbert Coloma-Agaran, Chairperson   
Board of Land and Natural Resources

SUBJECT: Board Approval of Conservation District Use Application ST-3000 for  
Small Scale Beach Nourishment Projects in Hawaii

This is to inform you that at its November 27, 2000 meeting, the Board of Land and Natural Resources approved the statewide application to permit small-scale beach nourishment projects in the State of Hawaii, and also delegated to the Chairperson the authority to issue Category II permits for small-scale beach nourishment projects in Hawaii, subject to the Board's consent to delegate its authority at regular Board meetings, and subject to the following conditions:

1. The Board of Land and Natural Resources hereby delegates to the Chairperson the authority to issue Category I permits for small-scale beach nourishment projects in Hawaii, without board consent to delegate;
2. Category II actions shall be published in the Environmental Notice;
3. No activity will be authorized under this permit which is likely to adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
4. No activity authorized by this permit may substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;



5. No activity will be authorized under this SPGP in properties listed or eligible for listing in the National Register of Historic Places without the written consent of the State Historic Preservation Officer;
6. When the Chairperson is notified by the applicant or the public that an individual activity deviates from the scope of an application approved under this permit, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee(s) to undertake corrective measures to address the condition affecting these resources. The permittee(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
7. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State Department of Land and Natural Resources that an individual activity or activities authorized under this permit is adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee(s) to undertake corrective measures to address the condition affecting these resources. The permittee(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
8. Applicants must submit written compliance reports to the CLP and CWB, including a final report within two months of completion of a project authorized under this permit. The compliance reports must include, as appropriate, descriptions of the construction activities, discussion(s) of any deviations from the proposed project design and the cause of these deviations, results of environmental monitoring, discussion(s) of any necessary corrective action(s), and photographs documenting the progress of the permitted work;
9. On a case-by-case basis the Corps may impose special conditions on projects authorized under this permit, which are deemed necessary to minimize adverse environmental impacts;
10. The DLNR in conjunction with the Federal resource agencies will conduct periodic reviews to determine that the continuation of this permit is not contrary to the public interest;
11. The length of time required to process each request under this permit will be directly related to the adequacy and completeness of the information submitted by the applicant;

12. Abutting landowners shall not be permitted to claim areas artificially nourished with sand under the State's accretion laws for projects authorized under this permit;
13. Any work or construction authorized under this permit shall be initiated within six (6) months of the approval of such use, and, unless otherwise authorized, shall be completed within one (1) year of the approval of such use. The applicant shall notify the department in writing when construction activity is initiated and when it is completed;
14. To avoid encroachments upon the areas nourished with sand, affected property owners realize that the State may claim that the added sand under existing laws may prevent them from moving the certified shoreline seaward of the present vegetation line until there is substantive evidence that the sand has moved on to other areas. During sand placement, care shall be taken to protect existing dune vegetation and any other existing vegetation along the shoreline. To facilitate any later applications for shoreline certifications, the affected property owners are encouraged to document their present shorelines with photographs or surveys;
15. Where any interference, nuisance, or harm may be caused, or hazard established by the activities authorized under this permit, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
16. For projects authorized under this permit, the applicant shall take measures to ensure that the public is adequately informed of the project work once it is initiated and the need to avoid the project area during the nourishment operation, and for several days following the completion of the nourishment operation to allow potential bacteria levels to decrease;
17. No contamination of the marine environment (trash or debris disposal) shall result from project-related activities authorized under this permit;
18. In the event there is any petroleum spill on the sand, the operator shall promptly remove the contaminated sand from the beach;
19. For projects authorized under this permit, the applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its

- successors, assigns, officers, employees, contractors, and agents under projects authorized under this permit;
20. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions on projects authorized under this permit, if it deems them necessary;
  21. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments for projects authorized under this permit;
  22. The applicant shall implement standard Best Management Practices (BMPs), including the ability to contain and clean-up fuel; fluid or oil spills immediately for projects authorized under this permit. Equipment must not be refueled in the shoreline area;
  23. All conditions imposed under the U.S. Army Corps of Engineers State Program General Permit for this effort are hereby incorporated into this statewide Conservation District Use Application;
  24. If retention structures are used for projects authorized under this permit, they shall be removed within 30 days of written notification of the Department of Land and Natural Resources, at the applicant's own cost, if the structures do not improve the situation (slow or reverse erosion) or if the structures cause unanticipated impacts in the area;
  25. In the unlikely event that historic sites, including human burials are uncovered during routine construction activities for projects authorized under this permit, all work in the vicinity must stop and the State Historic Preservation Division must be contacted at 692-8015;
  26. Coastal Lands Program staff will develop a new application form to facilitate the application process for projects authorized under this permit;
  27. Coastal Lands Program staff will provide a list of projects approved by the Chairperson to the Board on an annual basis;
  28. All Special Conditions imposed by the Honolulu District Engineer on the State Program General Permit are hereby incorporated into projects authorized under this permit;
  29. The application process shall include a requirement that the applicant

notify all abutting property owners and community organization that may be affected by the proposed action. In addition, each of the property owners and community organizations shall be notified of the time, date, and place that the Board will review the proposed application;

- 30. The processing fee for Category II permits shall be \$250.00;
- 31. Other terms and conditions as prescribed by the Chairperson; and
- 32. Failure on the part of applicants to comply with any conditions imposed on projects authorized under this permit shall render the permit null and void.

cc: Board Members Land Agents  
DAR/BD/DOCARE  
County Planning Departments  
OHA/DOHIU.S.  
Fish and Wildlife Service/NMFS/Corps

40' x 100' x 1' fill  
150 cubic yards  
Section C

15' x 200' x 1' fill  
Section B

High water mark

Section A

Proposed Beach  
500 cubic yards

100' x 40' x 1' fill  
600 cubic yards

Beach nourishment in  
Sigsbee Park  
100 cubic yards

Section #1

Project Notes:

1. Sand nourishment from this shore profile will occur in Section C (1) & (2) & (3).
2. Section A (1000 cu yds.) work will commence after section A.
3. Section B shall replenished again with 111 cu yds of sand.
4. Approximately 900 cu yds. of sand will be utilized for this project.
5. All sand nourishment or placement will occur above the high water mark.